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*Attorney for Defendants*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## JAMES DEAN LEAVITT,

Plaintiff,

VS.

STATE OF NEVADA ex. rel. BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION; KERI NIKOLAJEWSKI; SHERRY OLSON; PATRICK CARTER; CATHY McADOO; BYRON BROOKS; CAROL DEL CARLO; JOHN MORAN; JOSEPH SUNBURY; and DOES 1 through 10.

## Defendants.

**STIPULATION AND ORDER TO  
CONTINUE EARLY NEUTRAL  
EVALUATION (First Request)**

Defendants, the State of Nevada *ex rel.* Board of Regents of the Nevada System of Higher Education (“NSHE”), Byron Brooks, Carol Del Carlo, Patrick Carter, Cathy McAdoo, John Moran, Keri Nikolajewski, Sherry Olson, and Joseph Sunbury (collectively, “Defendants”), by and through counsel Lynda P. King, Esq., Senior Associate General Counsel for the Nevada System of Higher Education; and Michael P. Balaban, Esq. of the Law Offices of Michael P. Balaban, counsel for Plaintiff, James Dean Leavitt, hereby stipulate as follows:

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- 1       1. On April 2, 2024, this Court filed its Order Scheduling Early Neutral Evaluation (ENE) [ECF  
2       No. 20] which set the following dates:
  - 3       a. Early Neutral Evaluation - June 7, 2024 at 10:00 a.m.;
  - 4       b. Pre-Evaluation Telephonic Conference – June 6, 2024 at 3:00 p.m.; and
  - 5       c. Deadline to file Confidential Written Evaluation Statement with Exhibits – May 31,  
6       2024;
- 7       2. NSHE is part of the self-funded Tort Claims Fund, managed by State of Nevada, Office of  
8       Attorney General. Nancy L. Katafias, Tort Claims Manager, is a representative that must be  
9       present for all potential settlement discussions. Upon receipt of the Order Scheduling the  
10       ENE, Ms. Katafias informed us that she is unable to attend the ENE on June 7, 2023, and  
11       requested the ENE be continued to another date.
- 12       3. On April 4, 2024, counsel for NSHE contacted the Court and requested alternative dates  
13       due to Defendants' representative's unavailability to attend the ENE on June 7, 2024;
- 14       4. Counsel for NSHE conferred with Ms. Katafias and Plaintiff's counsel Michael P. Balaban,  
15       Esq. regarding the alternate dates available to the Court.
- 16       5. Counsel for Defendants, Defendants' representatives and counsel for Plaintiff hereby  
17       stipulate to continue the ENE to July 17, 2024 at 10:00 a.m.

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6. It is further stipulated that the Pre-Evaluation Telephonic Conference is set for July 16, 2024, at 3:00 p.m., and the deadline to submit confidential written evaluation statements and exhibits is July 10, 2024.

DATED: April 8, 2024

# NEVADA SYSTEM OF HIGHER EDUCATION

/s/ Lynda P. King  
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*Attorney for Defendants*

DATED: April 8, 2024.

LAW OFFICES OF MICHAEL P.  
BALABAN

/s/ Michael P. Balaban  
MICHAEL P. BALABAN  
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*Attorney for Plaintiff*

IT IS SO ORDERED:  
DATED: April 10, 2024.

Brenda Weksler  
United States Magistrate Judge

Respectfully submitted:

## NEVADA SYSTEM OF HIGHER EDUCATION

/s/ Lynda P. King

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of the Nevada System of Higher Education, that on the 9th day of April, 2024, I served a true and correct copy of the foregoing **STIPULATION AND ORDER TO CONTINUE EARLY NEUTRAL EVALUATION (First Request)** via the Court's CM/ECF Filing System to the following:

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*Counsel For Plaintiff, James Dean Leavitt*

/s/ Lenda Murnane  
Lenda Murnane  
An employee of the Nevada System  
of Higher Education